

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MERQUIADES MARTINEZ,

Movant

v.

UNITED STATES OF AMERICA,

Respondent.

CRIMINAL CASE NO.

1:07-CR-257-01-JEC

CIVIL ACTION FILE NO.

1:10-CV-1329-JEC

ORDER

The above action is presently before the Court on the Magistrate Judge's Final Report and Recommendation [915] recommending denying the above criminal defendant's Motion to Vacate Sentence [871].

The defendant filed no objections to the Report and Recommendation [915]. Nevertheless, the Court sought further clarification from the Government as to the basis for the calculations that gave rise to the mandatory-minimum sentence imposed upon the defendant at sentencing. The Government filed that response [941] and the defendant filed a reply [943] to the Government's response.

Upon consideration of the Final Report and Recommendation [915], as well as the Government's supplemental response and the defendant's reply to that response, the Court adopts the magistrate judge's Report and Recommendation and **DENIES** defendant's Motion to Vacate

Sentence [871]. It is further Ordered that a certificate of appealability is **DENIED**.

SO ORDERED this 14th day of MARCH, 2013.

/s/ Julie E. Carnes  
JULIE E. CARNES  
CHIEF U.S. DISTRICT JUDGE